

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

WILLIAM HENRY DEASE,)	
)	
Petitioner,)	
)	
vs.)	Case No. CIV-17-744-C
)	
MIKE TAYLOR, acting Sheriff,)	
)	
Respondent.)	

ORDER ADOPTING REPORT AND RECOMMENDATION

This action for habeas corpus relief brought by a prisoner, proceeding pro se, was referred to United States Magistrate Judge Suzanne Mitchell, consistent with the provisions of 28 U.S.C. § 636(b)(1)(B). Judge Mitchell entered a Report and Recommendation on August 16, 2017, to which Petitioner has timely objected. The Court therefore considers the matter de novo.

In his Objection, Petitioner argues general principles of habeas corpus law, but does not address the failure to exhaust state remedies which forms the basis of Judge Mitchell's fair and well-reasoned Report and Recommendation. And although the exhibits to his Objection show a present attempt to return to state court to exhaust available remedies, these attempts are not yet resolved.

Accordingly, the Court adopts, in its entirety, the Report and Recommendation (Dkt. No. 12) of the Magistrate Judge, and for the reasons announced therein, this petition for habeas corpus relief is dismissed, as untimely. As no amendment can

cure the defect, this dismissal acts as an adjudication on the merits, and a judgment will enter.

IT IS SO ORDERED this 3rd day of November, 2017.



ROBIN J. CAUTHRON
United States District Judge